

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7148

BILL NUMBER: HB 1338

NOTE PREPARED: Dec 31, 2004

BILL AMENDED:

SUBJECT: Alcohol and Drug Court Fees.

FIRST AUTHOR: Rep. Thomas

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: **GENERAL**
 X DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

- A. It increases the Drug Abuse, Prosecution, Interdiction, and Correction Fee from a minimum of \$200 to \$300.
- B. It increases the Alcohol and Drug Countermeasures Fee from \$200 to \$300.

Effective Date: July 1, 2005.

Explanation of State Revenues: *Summary* – This bill would increase the revenue that the State User Fee Fund would receive from both the Drug Abuse, Prosecution, Interdiction, and Correction Fee and the Alcohol and Drug Countermeasures Fee. This new revenue to the State User Fee Fund is indeterminable because these fees are not accounted separately from other fees deposited in the State User Fee Fund.

Under current law, the State User Fee Fund receives 25% of the revenue collected from both fees assessed by the courts.

The minimum fee for the Drug Abuse, Prosecution, Interdiction, and Correction Fee is being increased from \$200 to \$300, and the flat fee for the Alcohol and Drug Countermeasures Fee is also being increased from \$200 to \$300. Since the state share of both fees is 25%, the state receives \$50 each time a \$200 fee is assessed. Under this bill, the State User Fee Fund would receive an additional \$25 for each time that the court orders payment of \$300. Any additional state revenue that would result from this fee increase would be deposited in the Judicial Technology and Automation Project Fund.

Background Information: The Alcohol and Drug Countermeasures Fee is one of eight fees that are deposited in the State User Fee Fund.

State User Fee Funds Under Current Law					
<u>Fee</u>	<u>Code Cite</u>	<u>Amount</u>	<u>Type of Case</u>	<u>State User Fee Share</u>	<u>Local Share</u>
Drug Abuse, Prosecution, Interdiction, and Corrections Fee	IC 33-37-5-9	between \$200 & \$1,000.	Drug-related conviction	25%	75%
Alcohol and Drug Countermeasures Fee	IC 33-37-5-10	\$200	OWI conviction & driver's privileges suspended	25%	75%
Child Abuse Prevention Fee	IC 33-37-5-12	\$100	Convicted of violent or sexual crime & victim less than 18 years of age	50%	50%
Domestic Violence Prevention and Treatment Fee	IC 33-37-5-13	\$50	Violent act & victim either current or former spouse	100%	
Highway Work Zone Fee	IC 33-37-5-14	\$0.50 or \$25.50.	Traffic offenses (\$25.50 when exceeding a worksite speed limit)	100%	
Marriage License Fee	IC 33-32-5-1	\$18 or \$50	Higher fee when neither applicant is an Indiana resident	\$10	\$8 or \$40
Safe Schools Fee	IC 33-37-5-18	between \$200 & \$1,000.	When possession or use of a firearm is element of crime	100%	
Automated Record Keeping Fees	IC 33-37-5-21	\$7	All civil filings & criminal cases where defendant is convicted	100%	

The following table shows how revenue that is deposited in the State User Fee Fund is distributed.

Twice a year, \$1,288,000 is transferred from the State User Fee Fund into the state funds shown in the table below. The balance that remains in the State User Fee Fund is then transferred to the Judicial Technology and Automation Project Fund. Consequently, any additional revenue that is deposited in the State User Fee Fund will be deposited in the Judicial Technology and Automation Project Fund.

Funds Receiving Revenue From the State User Fee Fund		
<u>Fund</u>	<u>Code Cite</u>	<u>Percent Received</u>
Alcohol and Drug Countermeasures Fund	IC 9-27-2-11.	14.98% of \$1.228 M.
Drug Interdiction Fund	IC 10-11-7	8.42% of \$1.228 M.
Drug Prosecution Fund	IC 33-39-8-6	4.68% of \$1.228 M.
Corrections Drug Abuse Fund	IC 11-8-2-11.	5.62% of \$1.228 M.
State Drug Free Communities Fund	IC 5-2-10-2.	22.47% of \$1.228 M.
Indiana Department of Transportation	IC 8-23-2-15.	7.98% of \$1.228 M.
Family Violence and Victim Assistance Fund	IC 12-18-5-2.	20.32% of \$1.228 M.
Indiana Safe Schools Fund	IC 5-2-10.1	15.53% of \$1.228 M.
Judicial Technology and Automation Project Fund	IC 33-24-6-12	Remaining balance

The following shows the revenue that has been deposited in the State User Fee Fund between FY 1998 and FY 2004.

Revenue Deposited in State User Fee Fund							
<u>FY</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>
Revenue	\$2,621,925	\$2,744,422	\$2,549,049	\$2,934,576	\$3,955,653	\$7,033,060	\$9,219,381

Explanation of Local Expenditures:

Explanation of Local Revenues: This bill would increase the amount that a County Drug Free Community Fund would receive when the sentencing court orders that either the Drug Abuse, Prosecution, Interdiction, and Correction Fee or the Alcohol and Drug Countermeasures Fee be paid. If the court orders a fee of \$300 be paid instead of \$200, then the county would receive an additional \$75.

Local Funds Receiving Revenue From Fees		
<u>Fee Name</u>	<u>Percent Retained by Local Governments</u>	<u>Fund Deposited at Local Level</u>
Drug Abuse, Prosecution, Interdiction, and Correction Fee	75%	County Drug Free Community Fund
Alcohol and Drug Countermeasures Fee	75%	County Drug Free Community Fund
Child Abuse Prevention Fee	50%	County Child Advocacy Fund

The County Drug Free Community Fund is established in each county to promote comprehensive local alcohol and drug abuse prevention initiatives by supplementing local funding for treatment, education, and criminal

justice efforts.

State Agencies Affected: Auditor of the State.

Local Agencies Affected: Trial Courts.

Information Sources: Indiana Code, State Auditor's Office.

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